

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<p>Applicant(s): ENDLER, et al.</p> <p>Serial No.: 10/820,470</p> <p>Filed: April 7, 2004</p> <p>Title: METHODS AND APPARATUSES FOR MAPPING LOCATIONS</p> <p>Art Unit: 3623</p> <p>Examiner: Folashade Anderson</p> <p>Confirmation No. 7557</p> <p>Attorney Docket No.: 81489/7114</p> <p>Customer No.: 37123</p>	<p>Certificate of Transmission/Mailing</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO, transmitted via the Office electronic filing system, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:</p> <p><u>12/8/2009</u></p> <p>Date: Thomas F. Lebens Registration No. 38,221 Attorney for Applicants</p>
--	--

**APPEAL BRIEF**

Mail Stop: APPEAL BRIEF - PATENT  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this appeal brief under 37 C.F.R. § 41.37 appealing the final rejection of Claims 1-17, 23 and 29 in the Office Action mailed July 8, 2009 and the Advisory Action mailed September 15, 2009.

**(1) Real Party in Interest**

The real parties in interest are Sony Corporation and Sony Electronics Inc.

**(2) Related Appeals and Interferences**

No related appeals or interferences are known to Appellants.

**(3) Status of Claims**

Claims 1-29 were submitted for examination in the application filed on April 7, 2004.

Claims 18-22 and 24-28 were withdrawn during prosecution.

Claims 1, 10, 17, 23 and 29 were amended during prosecution.

Claims 1-17, 23 and 29 were finally rejected in the July 8, 2009 final office action.

Claims 1-17, 23 and 29 are appealed.

**(4) Status of Amendments**

Amendments were made to Claims 1, 17, 23 and 29 subsequent to the final rejection mailed July 8, 2009, and were entered for the purpose of Appeal in the Advisory Action mailed September 15, 2009.

**(5) Summary of Claimed Subject Matter**

*Independent Claims Subject Matter Map*

detecting a plurality of participants;	Claims 1, 17, 23, 29
searching for a mode of transportation for each of the plurality of participants;	Claim 23
detecting a location of each of the plurality of participants;	Claims 1, 17, 23, 29
detecting a speed of movement for each of the plurality of participants	Claim 23
detecting a plurality of amenities preferences from the plurality of participants;	Claims 1, 17, 23, 29
confirming the mode of transportation based on the speed of movement	Claim 23
identifying a plurality of possible meeting locations based on at least the amenities preferences;	Claims 1, 17, 23, 29
selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants;	Claims 1, 17, 29
selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants;	Claim 23
wherein the meeting location is displayed on a screen.	Claims 1, 23

**Claim 1**

detecting a plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; paras. 0022; 0035-0037, 0040-0041, 0046-0049, 0063
detecting a location of each of the plurality of participants;	See at least App., FIGS. 3, 4, 5 and 6; ABSTRACT; pg. 4, paras. 0022, 0038-0039, 0040-0041, 0045, 0050-0052; 0056-0057
detecting a plurality of amenities preferences from the plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0012-0013; 0022, 0040-0042; 0045, 0058, 0064
identifying a plurality of possible meeting locations based on at least the amenities preferences;	See at least App., FIGS. 3 and 6; ABSTRACT; paras. 0022, 0043, 0067-0069
selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants;	See at least App., FIGS. 3, and 6; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058
wherein the meeting location is displayed on a screen	FIGS. 9-11; paras. 0076, 0096-0100

### **Claim 17**

means for detecting a plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; paras. 0022; 0035-0037, 0040-0041, 0046-0049, 0063
means for detecting a location of each of the plurality of participants;	See at least App., FIGS. 3, 4, 5 and 6; ABSTRACT; pg. 4, paras. 0022, 0038-0039, 0040-0041, 0045, 0050-0052; 0056-0057
means for detecting an amenities preference of each of the plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0012-0013; 0022, 0040-0042; 0045, 0058, 0064
means for identifying a plurality of possible meeting locations based on at least the amenities preferences;	See at least App., FIGS. 3 and 6; ABSTRACT; paras. 0022, 0043, 0067-0069
means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants	See at least App., FIGS. 3, and 6; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058

### **Claim 23**

detecting a plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; paras. 0022; 0035-0037, 0040-0041, 0046-0049, 0063
searching for a mode of transportation for each of the plurality of participants;	See at least App., FIGS. 4, 6 and 7; paras. 0022, 0045, 0065, 0070-0071
detecting a location of each of the plurality of participants;	See at least App., FIGS. 3, 4, 5 and 6; ABSTRACT; pg. 4, paras. 0022, 0038-0039, 0040-0041, 0045, 0050-0052; 0056-0057
detecting a speed of movement for each of the plurality of participants	See at least App., FIGS. 4, 5 and 7; paras. 0022, 0045, 0083
detecting a plurality of amenities preferences from the plurality of participants;	See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0012-0013; 0022, 0040-0042; 0045, 0058, 0064
confirming the mode of transportation based on the speed of movement	See at least App., FIG. 7; paras. 0053-0054, 0056-0057, 0070-0071, 0077-0086
identifying a plurality of possible meeting locations based on at least the amenities preferences;	See at least App., FIGS. 3 and 6; See at least App., ABSTRACT; paras. 0022, 0043, 0067-0069
selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of	See at least App., FIGS. 3, and 6; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058

participants;	
wherein the meeting location is displayed on a screen.	See at least App., FIGS. 9-11; paras. 0076, 0096-0100

### **Claim 29**

detecting a plurality of participants;	See at least App., FIGS. 2 and 3; ABSTRACT; pg. 4, paras. 0012-0013; 0037-0041
detecting a location of each of the plurality of participants;	See at least App., FIGS. 2, 4, 5 and 7; ABSTRACT; pg. 4, paras. 0012-0013; 0036, 0037, 0042-0046, 0048
detecting an amenities preference of each of the plurality of participants;	See at least App., FIGS. 2, 4, 6 and 8, ABSTRACT; pg. 4, paras. 0012-0013; 0036, 0037, 0042-0045, 0047, 0049
identifying a plurality of possible meeting locations based on at least the amenities preference of each of the plurality of participants;	See at least App., FIGS. 2, 10; ABSTRACT; paras. 0012-0013, 0037, 0051-0056
selecting a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants.	See at least App., FIGS. 2, 11, 12; ABSTRACT; paras. 0012-0013, 0037, 0053, 0057-0062

A concise explanation of this subject matter appears as follows (with corresponding references to the specification<sup>1</sup> by page and line number (or paragraph numbering where appropriate) and to the drawing(s) (if any) by figure number and reference characters.<sup>2</sup>

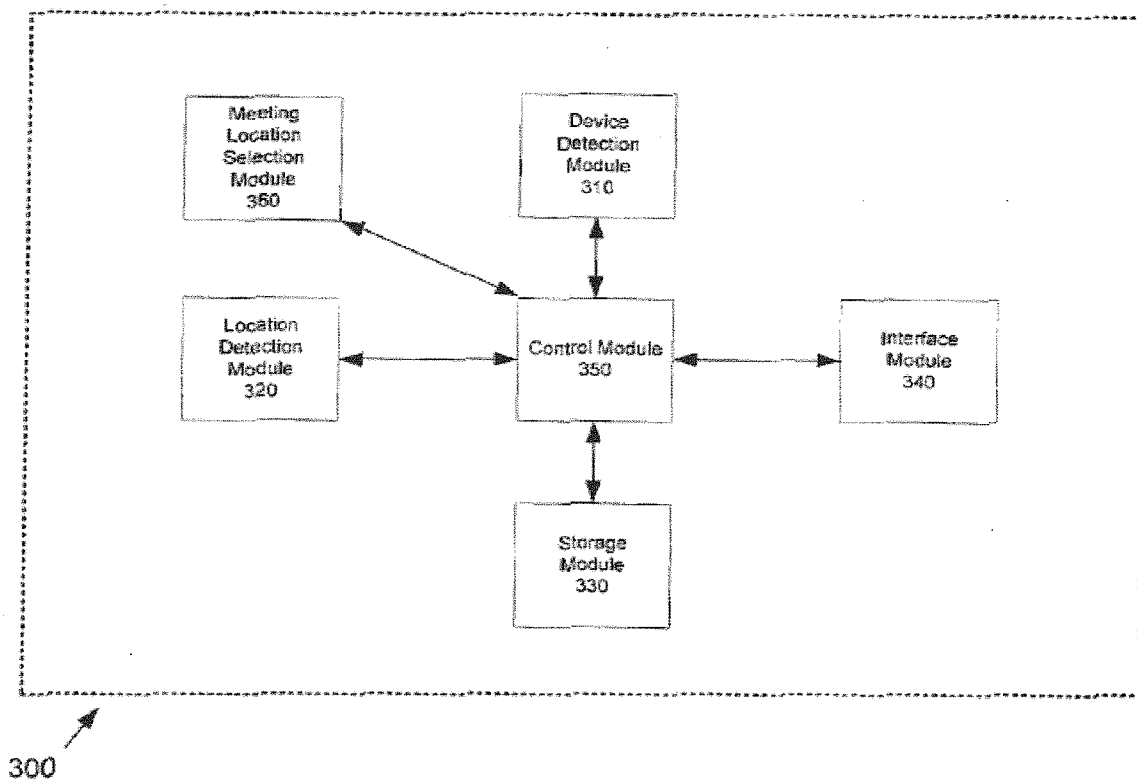
The claimed embodiments are directed to methods and apparatuses for selecting a meeting location for a plurality of participants from a plurality of meeting locations based on at least the location of each of the participants.<sup>3</sup> FIGS. 3 and 6 from the application appear below for the convenience of the reader showing an exemplary process of selecting a meeting location according to some embodiments.

<sup>1</sup> Application as Published, U.S. Application Publication No. 2005/0243165.

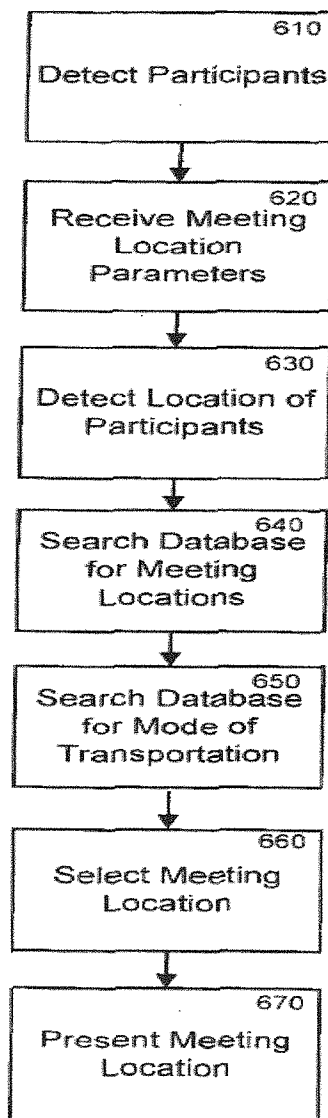
<sup>2</sup> It will be understood that this summarization of the claimed subject matter is, in fact, a “summary” and that Applicant does not represent or intend that this brief presentation, or the accompanying references to the drawings and the specification, comprises an exhaustive presentation in this regard. As always, the claims are to be viewed and interpreted in view of the context of the entire specification and the Abstract.

<sup>3</sup> See at least Published App., para. 0012.





**FIG. 3**



**FIG. 6**

More specifically, some embodiments provide a method performed by a processor-based machine for selecting a meeting location from a plurality of meeting locations.<sup>4</sup> In one embodiment, a plurality of participants is detected and next a location of each of the plurality of participants is detected.<sup>5</sup> Next, the system detects a plurality of amenities preferences from the

---

<sup>4</sup> See at least App., ABSTRACT

<sup>5</sup> See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0022; 0035-0041, 0045-0049, 0063, 0050-0052; 0056-0057

plurality of participants.<sup>6</sup> According to several embodiments, then a plurality of possible meeting locations are identified based on at least the amenities preferences.<sup>7</sup> Next, a meeting location is selected from the plurality of possible meeting locations based on at least the location of each of the plurality of participants and it is displayed on a screen.<sup>8</sup>

In another embodiment, the system may further determine a mode of transportation for each of the plurality of participants.<sup>9</sup> In such embodiments, the selecting the meeting location may further be based on the mode of transportation of each of the plurality of participants.<sup>10</sup> In one embodiment, the mode of transportation may be based on one of a time and day of possible meeting and/or a speed of movement of each of the plurality of participants.<sup>11</sup>

In some embodiments, a system is provided comprising means for detecting a plurality of participants.<sup>12</sup> For example, in one embodiment, a device detection module 310 detects one or more participants.<sup>13</sup> In one embodiment, the device detection module 310 detects the participants by detecting devices corresponding to each of the participants.<sup>14</sup> In one embodiment, means for detecting a location of each of the plurality of participants are further provided.<sup>15</sup> For example, in one embodiment, the location detection module 320 determines the location of the device corresponding to the participant.<sup>16</sup> In further embodiments, the system further comprises means for detecting an amenities preference of each of the plurality of participants.<sup>17</sup> For example, in one embodiment, the storage module 330 stores a record including information associated with a particular user.<sup>18</sup> In a further embodiment, the device detection module 310 utilizes information associated with the particular device and/or user.<sup>19</sup>

---

6 See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0012-0013; 0022, 0040-0042; 0045, 0058, 0064

7 See at least App., FIGS. 3 and 6; ABSTRACT; paras. 0022, 0043, 0067-0069

8 See at least App., FIGS. 3, 6, 9-11; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058, 0076, 0096-0100

9 See at least App., FIGS. 4, 6 and 7; paras. 0022, 0045, 0065, 0070-0071

10 See at least App., FIGS. 3, and 6; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058

11 See at least App., FIGS. 4, 5, 6 and 7; paras. 0022, 0045, 0053-0054, 0056-0057, 0065, 0070-0071, 0077-0086

12 See at least App., FIGS. 3, 4 and 6; ABSTRACT; paras. 0022; 0035-0037, 0040-0041, 0046-0049, 0063

13 See at least App., FIG. 3, paras. 0035-0037

14 Id.

15 See at least App., FIGS. 3, 4, 5 and 6; ABSTRACT; pg. 4, paras. 0022, 0038-0039, 0040-0041, 0045, 0050-0052; 0056-0057

16 See at least App., FIG. 3; paras. 0038-0039

17 See at least App., FIGS. 3, 4 and 6; ABSTRACT; pg. 4, paras. 0012-0013; 0022, 0040-0042; 0045, 0058, 0064

18 See at least App., FIG. 3; paras. 0040-041

19 See at least App., FIG. 3; paras. 0035-0037

In one embodiment, the system additionally includes means for identifying a plurality of possible meeting locations based on at least the amenities preferences detected.<sup>20</sup> In another embodiment, the system further includes means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants.<sup>21</sup> For example, in one embodiment, the meeting location selection module 360 selects a location for multiple users to convene.<sup>22</sup>

In yet another embodiment, a method is provided for selecting a meeting location based on the location, the amenities preference, and mode of transportation for each of the plurality of participants. In one embodiment, the method comprises detecting a plurality of participants, searching for a mode of transportation for each of the plurality of participants, detecting a location for each of the plurality of participants, detecting amenities preference for each of a plurality of participants, confirming the mode of transportation based on the speed of movement and selecting a meeting location based on the location, the amenities preference, and mode of transportation for each of the plurality of participants detected. In one embodiment, the selecting the meeting location comprises first identifying a plurality of possible meeting locations based on at least the amenities preferences and selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants. In some embodiments, after selecting the meeting location, the meeting location is displayed on a screen.

In yet another embodiment, a computer readable medium is provided, having computer readable instructions for detecting a plurality of participants, detecting a location of each of the plurality of participants and detecting an amenities preference of each of the plurality of participants. The instructions, in some embodiments, further identify a plurality of possible meeting locations based on at least the amenities preference of each of the plurality of participants and select a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants.

---

20 See at least App., FIGS. 3 and 6; ABSTRACT; paras. 0022, 0043, 0067-0069

21 See at least App., FIGS. 3, and 6; ABSTRACT; paras. 0022, 0043, 0050-0052, 0056-0058

22 See at least App., FIG. 3; para. 0043

**(6) Grounds of Rejection to be Reviewed**

The following issues are presented for review:

Issue 1: whether Claims 1-16 and 23 are unpatentable under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Issue 2: whether Claims 1, 9, 10, 15-17 and 29 are unpatentable under 35 U.S.C. § 103(a), as being unpatentable over U.S. Publication No. 2004/0203901 to Wilson et al. (hereinafter referred to as Wilson) in view of U.S. Patent No. 7,181,410 to Jones et al (hereinafter referred to as Jones).

Issue 3: whether Claims 2-5, 7, 8 and 23 are unpatentable under 35 U.S.C. 103(a), as being obvious over Wilson and Jones and in further view of U.S. Patent No. 7,139,722 to Perrella et al (hereinafter referred to as Perrella).

Issue 4: whether Claim 6 is unpatentable under 35 U.S.C. 103(a) as being obvious over Wilson Jones and Perrella and in further view U.S. Patent No. 6,937,853 to Hall (hereinafter referred to as Hall).

## **(7) Argument**

The following arguments are presented to contest the grounds for rejection presented above.

### **Issue 1: whether Claims 1-16 and 23 are unpatentable under 35 U.S.C. §101 as being directed to non-statutory subject matter.**

#### **Claim 1**

Claim 1 is rejected as being unpatentable under 35 U.S.C. 101 as failing to comply with the “machine-or-transformation” test. Claim 1 specifically recites:

A method performed by a processor-based machine comprising:  
detecting a plurality of participants;  
detecting a location of each of the plurality of participants;  
detecting a plurality of amenities preferences from the plurality of participants;  
identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants;  
wherein the meeting location is displayed on a screen.

Therefore, the elements of the claim are specifically tied to a machine, as required by the Bilski “machine-or-transformation” test. The machine or transformation test specifically states that the process “be tied to a particular machine or apparatus” In re Bilski, 545 F.3d 943. Claim 1 specifically recites that the method is performed by a processor-based machine, and therefore provides a tie to a particular machine as required by the Bilski test. Therefore, Applicants respectfully submit that the rejection to Claim 1 should be withdrawn.

#### **Claim 23**

Claim 23 is rejected as being unpatentable under 35 U.S.C. 101 as failing to comply with the “machine-or-transformation” test. Claim 23 specifically recites:

A method performed by a processor-based machine comprising:  
detecting a plurality of participants;  
searching for a mode of transportation for each of the plurality of participants;  
detecting a location for each of the plurality of participants; detecting a speed of movement for each of the plurality of participants; detecting an amenities preference for each of a plurality of participants;  
confirming the mode of transportation based on the speed of movement; and  
selecting a meeting location based on the location, the amenities preference, and

mode of transportation for each of the plurality of participants comprising:  
    identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
    selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants; wherein the meeting location is displayed on a screen.

Therefore, the elements of the claim are specifically tied to a machine, as required by the Bilski “machine-or-transformation” test. The machine or transformation test specifically states that the process “be tied to a particular machine or apparatus” In re Bilski, 545 F.3d 943. Claim 23 specifically recites that the method is performed by a processor-based machine, and therefore provides a tie to a particular machine as required by the Bilski test. Therefore, Applicants respectfully submit that the rejection to Claim 1 should be withdrawn.

**Issue 2: whether Claims 1, 9, 10, 15-17 and 29 are unpatentable under 35 U.S.C. § 103(a), as being unpatentable over Wilson in view of Jones.**

**Claim 1**

Claim 1 is rejected over the combination of Wilson and Jones. This combination, however, fails to teach or suggest all of the limitations as recited in at least Claim 1. Claim 1 recites:

A method performed by a processor-based machine comprising:  
    detecting a plurality of participants;  
    detecting a location of each of the plurality of participants;  
    detecting a plurality of amenities preferences from the plurality of participants;  
    identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
    selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants; wherein the meeting location is displayed on a screen.

Applicants respectfully submit that the above combination would not render at least Claim 1 obvious.

To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaec, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants submit that the above references fail to teach or suggest all of the claimed

limitations as recited in at least Claim 1.

More specifically, Applicants submit that the above cited references fail to describe or suggest at least “identifying a plurality of possible meeting locations based on at least the amenities preferences” AND “selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants.”

The Examiner asserts that Wilson describes selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants as recited in amended Claim 1, citing paragraphs 0039 and 0098 (See Office Action mailed July 8, 2009, pg. 6). Paragraph 0039 specifically states that the system “automatically provides information to at least the first or second mobile device regarding a meeting location.” That is, this portion describes providing information regarding the meeting location and does not appear to describe “selecting a meeting location.” Further, in the detailed description, Wilson specifically discloses the process by which the system provides the user with a meeting location. Specifically, Wilson discloses providing the user with a “list of POIs fulfilling the user’s desired criteria and provides to the user’s wireless device a POI display page listing such POI’s,” wherein “the user chooses a particular POI from the list”, and the portal 108 in turn provides details on the selected POI (see Wilson, paras. 0093, 0097, 0098, 0123 and 0125). As such, Wilson does not describe selecting a meeting location from a plurality of possible meeting locations based on at least the location of each of the plurality of participants, and instead only describes providing suggestions for a plurality of POIs wherein the user makes the ultimate selection of the meeting location, and the system then in turn provides the user with information on the selected location.

Further, Jones also does not describe or suggest selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants. Instead, Jones describes a system for recommending restaurants and activities around the destination. That is, the screen depicts “various restaurants and various features of the restaurants,” wherein the user is able to select any of these various restaurants (Jones, col. 7, lines 35-45). There is no language in Jones to suggest selecting a meeting location as recited in Claim 1.

As such, neither Wilson nor Jones describe “selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of



participants” as recited in at least Claim 1.

Accordingly, the proposed combination fails to render Claim 1 obvious, and Applicants respectfully request that the rejection of Claim 1 be withdrawn.

#### Claim 17

Claim 17 is rejected over the combination of Wilson and Jones. Applicants note that the Examiner has rejected Claim 17 based on the same reasoning as Claim 1. Applicants submit that the cited combination fails to teach or suggest all of the limitations as recited in at least Claim 17. Claim 17 recites:

A system comprising:  
means for detecting a plurality of participants; means for detecting a location of each of the plurality of participants; means for detecting an amenities preference of each of the plurality of participants;  
means for identifying a plurality of possible meeting locations based on at least the amenities preferences ; and  
means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants.

Applicants respectfully submit that the above combination would not render at least Claim 17 obvious. To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j). Applicants submit that the above references fail to teach or suggest all of the claimed limitations as recited in at least Claim 17.

More specifically, Applicants submit that the above cited references fail to describe or suggest at least “means for identifying a plurality of possible meeting locations based on at least the amenities preferences” AND “means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants.”

The Examiner asserts that Wilson describes selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants as recited in Claim 17, citing paragraphs 0039 and 0098 (Office Action mailed July 8, 2009, pg. 6). Paragraph 0039 specifically states that the system “automatically provides information to at least the first or second mobile device regarding a meeting location.” That is, this portion describes providing information regarding the meeting location and does not describe

“selecting a meeting location.” Further, in the detailed description, Wilson specifically discloses the process by which the system provides the user with a meeting location. Specifically, Wilson discloses providing the user with a “list of POIs fulfilling the user’s desired criteria and provides to the user’s wireless device a POI display page listing such POI’s,” wherein “the user chooses a particular POI from the list”, and the portal 108 in turn provides details on the selected POI (see Wilson , paras. 0093, 0097, 0098, 0123 and 0125). As such, Wilson does not describe means for selecting a meeting location from a plurality of possible meeting locations based on at least the location of each of the plurality of participants, and instead only describes providing suggestions for a plurality of POIs, wherein the user makes the ultimate selection of the meeting location, and the system then in turn provides the user with information on the selected location.

Further, Jones also does not describe or suggest means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants. Instead, Jones describes a system for recommending restaurants and activities around the destination. That is, the screen depicts “various restaurants and various features of the restaurants,” wherein the user is able to select any of these various restaurants (Jones, col. 7, lines 35-45). There is no language in Jones to suggest selecting a meeting location as recited in Claim 17.

As such, neither Wilson nor Jones describe “means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants” as recited in at least Claim 17.

Accordingly, the proposed combination fails to render Claim 17 obvious, and Applicants respectfully request that the rejection of Claim 17 be withdrawn.

#### Claim 29

Claim 29 is rejected over the combination of Wilson and Jones. Applicants note that the Examiner has rejected Claim 29 based on the same reasoning as Claim 1 (see Office Action mailed July 8, 2009, pg. 7). Applicants submit that the cited combination fails to teach or suggest all of the limitations as recited in at least Claim 29. Claim 29 recites:

A computer-readable medium having computer executable instructions for performing  
detecting a plurality of participants; detecting a location of each of the

plurality of participants; detecting an amenities preference of each of the plurality of participants;

identifying a plurality of possible meeting locations based on at least the amenities preference of each of the plurality of participants ; and

selecting a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants.

Applicants respectfully submit that the above combination would not render at least Claim 29 obvious. To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j). Applicants submit that the above references fail to teach or suggest all of the claimed limitations as recited in at least Claim 29.

More specifically, Applicants submit that the above cited references fail to describe or suggest at least “identifying a plurality of possible meeting locations based on at least the amenities preferences” AND “selecting a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants.”

The Examiner asserts that Wilson describes selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants as recited in Claim 29, citing paragraphs 0039 and 0098 (Office Action mailed July 8, 2009, pg. 6). Paragraph 0039 specifically states that the system “automatically provides information to at least the first or second mobile device regarding a meeting location.” That is, this portion describes providing information regarding the meeting location and does not describe “selecting a meeting location.” Further, in the detailed description, Wilson specifically discloses the process by which the system provides the user with a meeting location. Specifically, Wilson discloses providing the user with a “list of POIs fulfilling the user’s desired criteria and provides to the user’s wireless device a POI display page listing such POI’s,” wherein “the user chooses a particular POI from the list”, and the portal 108 in turn provides details on the selected POI (see Wilson, paras. 0093, 0097, 0098, 0123 and 0125). As such, Wilson does not describe selecting a meeting location from a plurality of possible meeting locations based on at least the location of each of the plurality of participants, and instead only describes providing suggestions for a plurality of POIs wherein the user makes the ultimate selection of the meeting location, and the system then in turn provides the user with information on the selected location.

Further, Jones also does not describe or suggest selecting a meeting location from the

plurality of possible meeting locations based on at least the location of each of the plurality of participants. Instead, Jones describes a system for recommending restaurants and activities around the destination. That is, the screen depicts “various restaurants and various features of the restaurants,” wherein the user is able to select any of these various restaurants (Jones, col. 7, lines 35-45). There is no language in Jones to suggest selecting a meeting location as recited in Claim 29.

As such, neither Wilson nor Jones describe “means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants” as recited in at least Claim 29.

Accordingly, the proposed combination fails to render Claim 29 obvious, and Applicants respectfully request that the rejection of Claim 29 be withdrawn.

**Issue 3: whether Claims 2-5, 7, 8 and 23 are unpatentable under 35 U.S.C. 103(a), as being obvious over Wilson and Jones and in further view of Perrella.**

**Claim 23**

Claim 23 is rejected over the combination of Wilson, Jones and Perrella. Applicants submit that the cited combination fails to teach or suggest all of the limitations as recited in at least Claim 23. Claim 23 recites:

A method performed by a processor-based machine comprising:  
detecting a plurality of participants;  
searching for a mode of transportation for each of the plurality of participants;  
detecting a location for each of the plurality of participants; detecting a speed of movement for each of the plurality of participants; detecting an amenities preference for each of a plurality of participants;  
confirming the mode of transportation based on the speed of movement;  
and  
selecting a meeting location based on the location, the amenities preference, and mode of transportation for each of the plurality of participants comprising:  
identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants;  
wherein the meeting location is displayed on a screen.

Applicants respectfully submit that the above combination would not render at least Claim 23 obvious. To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j). Applicants submit that the above references fail to teach or suggest all of the claimed limitations as recited in at least Claim 23.

More specifically, Applicants submit that the above cited references fail to describe or suggest at least “identifying a plurality of possible meeting locations based on at least the amenities preferences” AND “selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants.”

As stated above, in rejecting Claim 23, the Examiner asserts that Claim 23 is substantially similar in scope to Claims 1, 2, 6 and 8 and is therefore rejected for the same reasoning as those claims (See Office Action mailed July 8, 2009, pg. 9). Applicants initially note that Claim 6, is rejected based on a different combination than claim 23 (Office Action mailed July 8, 2009, pg. 10). In rejecting claim 6 the Examiner specifically states that Wilson and Perrella fail to describe or suggest “selecting the meeting location based on the mode of transportation” (Office Action mailed July 8, 2009, pg. 10). As such the Examiner has submitted that the combination of Wilson, Jones and Perrella, which the Examiner asserts renders Claim 23 obvious fails to describe or suggest each limitation in the claim as recited, and accordingly fails to render the claim obvious.

Furthermore, even assuming that Claim 23 is rejected based on the combination of Wilson, Jones, Perrella and Hall, which is used to reject Claim 6, Applicants submit that the combination fails to render Claim 23 obvious.

The Examiner asserts that Wilson describes selecting a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants as recited in Claim 23, citing paragraphs 0039 and 0098 (Office Action mailed July 8, 2009, pg. 6). Furthermore, the Examiner states that Wilson and Perrella fail to describe or suggest “selecting the meeting location based on the mode of transportation” (Office Action mailed July 8, 2009, pg. 10), and asserts that Hall teaches selecting the meeting location based on the mode of transportation for each of the plurality of participants (Office Action mailed July 8,

2009, pg. 10). Applicants respectfully submit that the above references fail to describe or suggest what is asserted by the Examiner.

With respect to the Examiner's assertion that Wilson describes selecting a meeting location from the plurality of possible meeting locations, citing to paragraph 0039 and 0098 of Wilson, Applicants submit that neither the cited portions nor any other portion of Wilson describes this limitation. Paragraph 0039 specifically states that the system "automatically provides information to at least the first or second mobile device regarding a meeting location." That is, this portion describes providing information regarding the meeting location and does not describe "selecting a meeting location." Further, in the detailed description, Wilson specifically discloses the process by which the system provides the user with a meeting location. Specifically, Wilson discloses providing the user with a "list of POIs fulfilling the user's desired criteria and provides to the user's wireless device a POI display page listing such POI's," wherein "the user chooses a particular POI from the list", and the portal 108 in turn provides details on the selected POI (see Wilson, paras. 0093, 0097, 0098, 0123 and 0125). As such, Wilson does not describe selecting a meeting location from a plurality of possible meeting locations based on at least the location of each of the plurality of participants, and instead only describes providing suggestions for a plurality of POI's wherein the user makes the ultimate selection of the meeting location, and the system then in turn provides the user with information on the selected location.

Similarly, Applicants submit that Hall fails to describe or suggest selecting a meeting location based on the mode of transportation. Instead, the Examiner alleges that Hall describes selecting a meeting location based on a mode of transportation (see Office Action mailed July 8, 2009, pg. 10). In making this assertion the Examiner states that "a fleet of vehicles is equivalent to the mode of transportation" (see Office Action mailed July 8, 2009, pg. 10). The cited portion specifically recites, "the system accounts for the service provider's fleet logistics, uncertainty in service times and variability of travel times on the road, and it dynamically schedules the fleet of vehicles and the customers' appointment times to realize an efficient operation that is satisfying to the customers" (Hall, col. 1, lines 57-62). It appears to the Applicants that the fleet refers to the group of vehicles, and does not refer to any mode of transportation. Furthermore, nothing in the specification describes or suggests determining a mode of transportation which further supports that the language "fleet" does not refer to a mode of transportation. However, even

assuming that Hall does describe taking into account the mode of transportation, it does not describe selecting a meeting location based on the mode of transportation of the user.

Furthermore, Jones also does not describe or suggest selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants. Instead, Jones describes a system for recommending restaurants and activities around the destination. That is, the screen depicts “various restaurants and various features of the restaurants,” wherein the user is able to select any of these various restaurants (Jones, col. 7, lines 35-45). There is no language in Jones to suggest selecting a meeting location as recited in Claim 29.

Perrella similarly fails to describe or suggest selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants.

Accordingly, the proposed combination fails to render Claim 23 obvious, and Applicants respectfully request that the rejection of Claim 23 be withdrawn.

**Issue 4: whether Claim 6 is unpatentable under 35 U.S.C. 103(a) as being obvious over Wilson and Jones and Perrella and in further view Hall.**

**Claim 6**

Claim 6 is rejected over the combination of Wilson, Jones, Perrella and Hall. Applicants submit that the cited combination fails to teach or suggest all of the limitations as recited in at least Claim 6.

To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Claim 6 recites “determining a mode of transportation for each of the plurality of participants” (recited in Claim 2) “wherein the selecting the meeting location is based on the mode of transportation for each of the plurality of participants.”

The Examiner, in rejecting Claim 6 submits that neither Wilson, Jones nor Perrella describe or suggest selecting a meeting location based on a mode of transportation, and instead

relies on Hall as describing this limitation citing to col. 1, lines 55 to 65 of the reference (see Office Action mailed July 8, 2009, pg. 10).

Applicants submit that Hall fails to describe or suggest selecting a meeting location based on the mode of transportation. The Examiner alleges that Hall describes selecting a meeting location based on a mode of transportation (see Office Action mailed July 8, 2009, pg. 10). In making this assertion the Examiner states that “a fleet of vehicles is equivalent to the mode of transportation” (see Office Action mailed July 8, 2009, pg. 10). The cited portion specifically recites, “the system accounts for the service provider’s fleet logistics, uncertainty in service times and variability of travel times on the road, and it dynamically schedules the fleet of vehicles and the customers’ appointment times to realize an efficient operation that is satisfying to the customers” (Hall, col. 1, lines 57-62). It appears to the Applicants that the fleet refers to the group of vehicles, and does not refer to any mode of transportation. Furthermore, nothing in the specification describes or suggests determining a mode of transportation which further supports that the language “fleet” does not refer to a mode of transportation. However, even assuming that Hall does describe taking into account the mode of transportation, it does not describe selecting a meeting location based on the mode of transportation of the user.

Accordingly, the proposed combination fails to render Claim 6 obvious, and Applicants respectfully request that the rejection of Claim 6 be withdrawn.

#### Claims 2-16.

The remaining Claims 2-5 and 7-16 are dependent claims that ultimately depend upon the independent Claim 1. Although other significant points of distinction may be found therein, again, for the purposes of this appeal the applicant is content to rely only upon the points raised above.



**(8) Claims Appendix**

Provided is a complete listing of all the pending claims involved with this appeal:

Claim 1: A method performed by a processor-based machine comprising:  
detecting a plurality of participants;  
detecting a location of each of the plurality of participants;  
detecting a plurality of amenities preferences from the plurality of participants;  
identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants;  
wherein the meeting location is displayed on a screen.

Claim 2: The method according to claim 1 further comprising determining a mode of transportation for each of the plurality of participants.

Claim 3: The method according to claim 2 wherein the mode of transportation is by car.

Claim 4: The method according to claim 2 wherein the mode of transportation is by bus.

Claim 5: The method according to claim 2 wherein the mode of transportation is by foot.

Claim 6: The method according to claim 2 wherein the selecting the meeting location is based on the mode of transportation for each of the plurality of participants.

Claim 7: The method according to claim 2 wherein the determining the mode of transportation for each of the plurality of participants is based on a time and day of a possible meeting.

Claim 8: The method according to claim 2 wherein the determining the mode of transportation for each of the plurality of participants is based on a speed of movement of each of

the plurality of participants.

Claim 9: The method according to claim 1 wherein the location of one of participants is a current location detected through a device detection module.

Claim 10: The method according to claim 1 wherein the location of one of participants is a projected location based on a previous location of the participant at a time and day which corresponds to a time and day of a possible meeting.

Claim 11: The method according to claim 1 wherein the parameter is a type of food service.

Claim 12: The method according to claim 1 wherein the parameter is a type of beverage service.

Claim 13: The method according to claim 1 wherein the parameter is hours of operation.

Claim 14: The method according to claim 1 wherein the parameter is a type of seating.

Claim 15: The method according to claim 1 wherein the parameter is a geographic area.

Claim 16: The method according to claim 1 wherein the meeting location is geographically located between the location of each of the participants.

Claim 17: A system comprising:  
means for detecting a plurality of participants; means for detecting a location of each of the plurality of participants; means for detecting an amenities preference of each of the plurality of participants;  
means for identifying a plurality of possible meeting locations based on at least the amenities preferences ; and

means for selecting a meeting location from the plurality of possible meeting locations based on at least the location of each of the plurality of participants.

Claim 23: A method performed by a processor-based machine comprising:  
detecting a plurality of participants;  
searching for a mode of transportation for each of the plurality of participants;  
detecting a location for each of the plurality of participants; detecting a speed of movement for each of the plurality of participants; detecting an amenities preference for each of a plurality of participants;  
confirming the mode of transportation based on the speed of movement; and  
selecting a meeting location based on the location, the amenities preference, and mode of transportation for each of the plurality of participants comprising:  
identifying a plurality of possible meeting locations based on at least the amenities preferences; and  
selecting a meeting location from the plurality of possible meeting locations based on the location and the mode of transportation of each of the plurality of participants;  
wherein the meeting location is displayed on a screen.

Claim 29: A computer-readable medium having computer executable instructions for performing  
detecting a plurality of participants; detecting a location of each of the plurality of participants; detecting an amenities preference of each of the plurality of participants;  
identifying a plurality of possible meeting locations based on at least the amenities preference of each of the plurality of participants ; and  
selecting a meeting location from the plurality of possible meeting locations based on the location of each of the plurality of participants.

**(9) Evidence Appendix**

None

**(10) Related Proceedings Appendix**

None

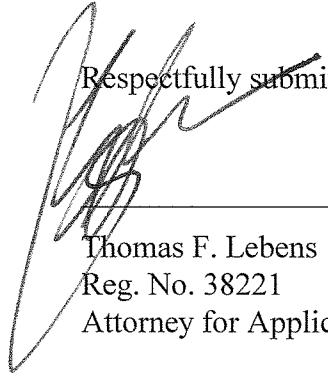
**CONCLUSION**

Appellants submit that the rejections of the pending Claims 1-17, 23 and 29 are in err, and that Claims 1-17, 23 and 29 are patentable over the applied combinations of references.

Appellants respectfully request a reversal of the final rejection.

Dated: 12/8/2009

Respectfully submitted,



\_\_\_\_\_  
Thomas F. Lebens  
Reg. No. 38221  
Attorney for Applicant

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603  
(858) 552-1311